

REMARKS

Claims 1-4 are pending in the present application. Claims 1 and 4 are rejected. Claims 1, 3 and 4 are herein amended.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tyberg et al. (U.S. Patent No. 6,270,726) in view of Beinert et al. (WO 00/08474).

It is the position of the Office Action that Tyberg discloses the invention as claimed, with the exception of a guide located beneath the urging means. The Office Action relies on Beinert to provide this teaching. The Office Action now states that carrier plate 240 of Beinert is interpreted to be an equivalent to the claimed collar.

Additionally, the Office Action states that the arguments submitted in the Amendment filed on April 17, 2006 are "not commensurate in scope with that of claim 1, for claim 1 makes no mention of a spring or weight." In response to this, Applicants respectfully note that claim 1 recites "urging means." This urging means may include either a spring 3a or a weight 3d, illustrated in Figures 5A-5C and 6A-6C. Thus, Applicants respectfully submit that the arguments are commensurate in scope with claim 1.

Beinert discloses in Figure 4 a micropipette having a pin spring 257 and a cylinder spring 258. These springs are separated by an unlabelled linking piece. The micropipette passes through a guide block 230 and a carrier plate 240. It is noted that guide block 230 "can be

Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

moved between a retracted basic state (upper stop) and an advancing pipetting state (lower stop).” Column 9, lines 22-24.

The Office Action interprets the carrier plate 240 to be a collar, and thus presumably guide block 230 to be a guide. Claim 1 requires that the guide be disposed below the urging means. Thus, Applicants submit that the Office Action’s interpretation is inaccurate. However, it appears that the Office Action interprets Beinert such that carrier plate 240 is a guide, and guide block 230 is a collar.

In order to clarify the claimed structure, Applicants herein amend claim 1 in order to recite that “said suction nozzle moving means also includes a collar located beneath the urging means.” As illustrated, collar 3b is disposed below spring 3a in Figures 5A-5C, and below weight 3d in Figures 6A-6C. In Beinert, only carrier plate 240 is disposed below the springs 257 and 258. Thus, guide block 230 of Beinert cannot be interpreted as being either “a collar” or “a guide.” Accordingly, the combination of Tyberg and Beinert does not disclose each and every element of claim 1. For at least the above reasons, Applicants respectfully submit that the structure required by present claim 1 is not disclosed or suggested by the combination of references. Favorable reconsideration is respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz et al in view of Tyberg and Beinert, in further view of Yu (U.S. Patent No. 5,779,907).

It is the position of the Office Action that Schultz discloses the invention as claimed, with the exception of nozzle moving means including urging means for urging the suction nozzles

Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

towards the vessel, a magnet, and a magnet moving means. The Office Action relies on the combination of Tyberg and Beinert to teach the urging means for urging the suction nozzles toward the vessel, and relies on Yu to teach a magnet and magnet moving means.

In response to this rejection, Applicants herein amend claim 4 in a manner similar to that of claim 1, discussed above. Applicants respectfully submit that claim 4 is patentable for at least the reasons that claim 1 is patentable, as discussed above. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

The Office Action indicates that claim 2 is allowable. Further, the Office Action indicates that claim 3 is objected to as being incomplete and not including all the limitations asserted by the Applicant. The Office Action indicates that claim 3 would be allowable if rewritten in independent form including all of the limitations as argued including specifying the buffer tank being located between the suction pump and the branch manifold.

Applicants note that claim 3 is already in independent form. Applicants note that claim 3 already requires that the buffer tank be located between the suction pump and the branch manifold, and such an amendment is not necessary. However, in order to expedite examination, Applicants herein amend claim 3 in order to further clarify that “said buffer tank is disposed between said branch manifold and said suction pump.” Favorable reconsideration is respectfully requested.

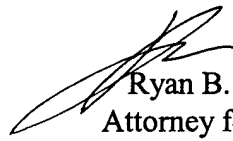
Amendment
Serial No. 09/875,184
Attorney Docket No. 010493

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Ryan B. Chirnomas
Attorney for Applicants
Registration No. 56,527
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

RBC/jl